UNITED STATES PATENT AND TRADEMARK OFFICE

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/689,695	10/22/2003	Satoshi Kiyoto	500.43229X00	4659

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EXAMINER
BELL, LOUIS W

ART UNIT	PAPER NUMBER
2609	

MAIL DATE	DELIVERY MODE
07/12/2007	PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE <u>3</u> MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.
- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
  Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on <u>22 October 2003</u>.

2a)☐ This action is **FINAL**.   2b)☒ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) <u>1-3</u> is/are pending in the application.

    4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) <u>1-3</u> is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☒ The drawing(s) filed on <u>22 October 2003</u> is/are: a)☒ accepted or b)☐ objected to by the Examiner.

    Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

    Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

    a)☒ All   b)☐ Some * c)☐ None of:

      1.☒ Certified copies of the priority documents have been received.

      2.☐ Certified copies of the priority documents have been received in Application No. _____.

      3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

    * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☒ Notice of References Cited (PTO-892)

2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)

3) ☒ Information Disclosure Statement(s) (PTO/SB/08)
    Paper No(s)/Mail Date _____.

4) ☐ Interview Summary (PTO-413)
    Paper No(s)/Mail Date. _____.

5) ☐ Notice of Informal Patent Application

6) ☐ Other: _____.

DETAILED ACTION

Claim Rejections - 35 USC § 103

1.   The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all

obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set
> forth in section 102 of this title, if the differences between the subject matter sought to be patented and
> the prior art are such that the subject matter as a whole would have been obvious at the time the
> invention was made to a person having ordinary skill in the art to which said subject matter pertains.
> Patentability shall not be negatived by the manner in which the invention was made.

2.   **Claim 1** is rejected under 35 U.S.C. 103(a) as being unpatentable over Pub. No.:

US 2004/0109414 A1 to Choi et al. "Choi" view of U.S. Pub. No.: US 2002/0036983 A1

to Widegren et al. "Widegren".

As to **claim 1**, Choi discloses a relay apparatus for setting a packet relay policy

for a network having a plurality of interconnected relay nodes to execute the packet

relay process according to the set policy (*Fig.2 shows two devices: a Volp Call Control*

device (SIP server, page 3 paragraph 0026) and quality of service (QoS) Control Server

which is connected to a DiffServ based IP network and used to interchange QoS

information, page 2 paragraph 0022);

a packet transmitter/receiver for executing the process of transmitting and

receiving packets to and from said network (*Choi does not explicitly show or state a*

packet transmitter/receiver; however, it is inherent that there must be a packet

transmitter/receiver as part of the devices or it would not be able to operated in the

manner described);

A session establishing unit for receiving a message, through said packet transmitter/receiver from a first communication terminal connected to said network, requesting to establish a session between said first communication terminal and a second communication terminal connected to said network and establishing a session between said first communication terminal and said second communication terminal (*Choi discloses the establishment of a session (page 3 paragraph 0028, Fig. 6B) and termination of a session (page 4 paragraph 0033, Fig. 6B.)*);

and a policy generating unit for generating a policy for the relay process of said relay nodes to transmit and receive packets between said first communication terminal and said second communication terminal in accordance with the session established by said session establishing unit (*Choi disclose a policy device to set up policy in the network as described above*);

wherein said policy generating unit holds said message requesting to establish said session, and upon detection of establishment of a session between said first communication terminal and said second communication terminal by said session establishing unit, generates said policy based on said message held (*Choi discloses the usage of information in the SIP message during the addition/deletion of a QoS session, page 3 paragraph 0027 and 0029*).

Choi does not expressly disclose the component of the policy server such as the policy generating unit, thus this unit must be present for the policy server to operated in the manner described.

Widengren discloses a policy control function (PCF) which make policy decisions

base on information obtained from the SIP server, page 9, paragraph 0143. It chows

that the policy decision is connected to a Policy Repository and that fetches data from it

in order to make policy decisions, page 3 paragraph 0086.

Choi and widegren are analogous art because they are from the same field of

endeavor with respect to setting QoS policy to a network.

At the time of the invention, it would have been obvious to a person of ordinary

skilled in the art to combine a SIP proxy server and a Policy server into one unit to

better integrate hardware and software in a network and alleviate the work of a system

administrator and save money.

3.   **Claim 2 and 3** are rejected under 35 U.S.C. 103(a) as being unpatentable over

Pub. No.: US 2004/0109414 A1 to Choi et al., "Choi" view of U.S Pub. No.: US

2002/0036983 A1 to Widegren et al. "Widegren" in further view of U.S. Pub. No.: US

2002/0041590 A1 to Donovan et al. "Donovan".

As to **claim 2** Choi and Widengren disclose a SIP server and a policy server.

Choi and Widengren do not expressly disclose the apparatus comprising of a

corresponding relay node storage unit for holding, in correspondence with each other,

the address of said first communication terminal and the address of a relay node for

connecting said first communication terminal to said network.

Donovan discloses the existence of a database used by the policy server to

query about ID and services for the nodes of the network, page 2 paragraph 38.

Choi, Widengren and Donovan are analogous art because they are from the same field of endeavor with respect to setting QoS policy to a network.

At the time of the invention, it would have been obvious to a person of ordinary skilled in the art to have a database in a policy server for the purpose or motivation of storing IP address to be used when informing the edge nodes of policy information.

A policy distribution unit for producing a message containing the policy generated by said policy generating unit and transmitting said message containing said policy through said IP packet transmitter/receiver to the relay node stored in correspondence with said first communication terminal by said corresponding relay node. (*Widegren discloses that the policy decision can communicate and export policy information to other network components using various protocols, see motivation of claim 1*).

As to **Claim 3**. A relay apparatus according to Claim 2, wherein the policy generated by said policy generating Unit determines the order of priority of transfer of the packets transmitted and received between said first communication terminal and said second communication terminal (Widegren discloses that the policy are store at the edge node and are used to make admission control decision, page 10, paragraph 0157, see motivation of claim 1).
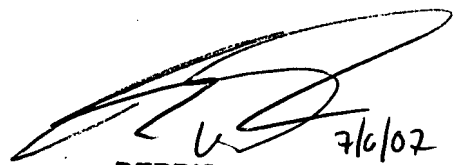
4.   **Conclusion**

Any inquiry concerning this communication or earlier communications from the

examiner should be directed to Louis Bell whose telephone number is 571-270-3312.

The examiner can normally be reached on Monday-Friday 7:30 a.m. to 5:00 p.m..

If attempts to reach the examiner by telephone are unsuccessful, the examiner's

supervisor, Derrick Ferris can be reached on 571-272-3123. The fax phone number for

the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the

Patent Application Information Retrieval (PAIR) system. Status information for

published applications may be obtained from either Private PAIR or Public PAIR.

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For more information about the PAIR system, see http://pair-direct.uspto.gov. Should

you have questions on access to the Private PAIR system, contact the Electronic

Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a

USPTO Customer Service Representative or access to the automated information

system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/LB/

DERRICK W. FERRIS
SUPERVISORY PATENT EXAMINER